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Attorneys for Plaintiff
JASON EVERETT THOMPSON

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION

In re:

DEAN GREGORY ASIMOS,
Debtor.

Case No.: 11-13214-AJ

Chapter 7

Adv. Case No. 14-01018 CN

**DECLARATION OF STEPHAN E.
KYLE IN FURTHER SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT OF PLAINTIFF JASON
EVERETT THOMPSON**

JASON EVERETT THOMPSON,
Plaintiff,

v.

DEAN GREGORY ASIMOS,
Defendant.

Date: November 4, 2020
Time: 11:00 a.m.
Location: 99 South E Street
Santa Rosa, California

Judge: Hon. Charles Novak

I, Stephan E. Kyle, hereby declare as follows:

1. I am an attorney at law, duly licensed to practice before, *inter alia*, the Supreme Court of the State of California, the U.S. Court of Appeals for the Ninth Circuit, and the U.S. District Courts for Northern District of California, Eastern District of California, and Central District of California. I am a shareholder of the Kyle Law Corporation, located at 465

1 California Street, 5th Floor, San Francisco, California 94104, attorneys for Adversary Plaintiff
2 Jason Everett Thompson (“Plaintiff” or “Thompson”) in the above-entitled Adversary
3 Proceeding.

4 2. The matters set forth in this declaration are true of my own knowledge, except for
5 those matters based on information and belief. If called as a witness, I could and would
6 competently testify thereto.

7
8 3. This Declaration is being submitted in response to the Court’s Order Partially
9 Granting And Denying Cross-Motions For Summary Judgment dated November 13, 2020 (Adv.
10 D.I. 85) and in further support of the Motion for Summary Judgment filed by Adversary
11 Plaintiff Jason Everett Thompson (Adv. D.I. 73).

12
13 4. My firm represented Plaintiff in the First Appeal and filed the Motion for
14 Attorneys’ Fees on Appeal in the San Francisco Superior Court (the “First Appeal Attorney Fee
15 Award Motion”) following issuance of the remittitur in the First Appeal.

16 5. In connection with the First Appeal Attorney Fee Award Motion, I filed a
17 Declaration in Support of Motion for Attorneys’ Fees on Appeal detailing the fees incurred and
18 the associated hourly rates. Attached hereto marked as Exhibit 15 is a true and correct copy of
19 the Declaration of Stephan E. Kyle In Support of Motion for Attorneys’ Fees on Appeal, filed
20 April 4, 2017 (“Kyle Attorney Fee Declaration”).

21
22 6. A detailed spreadsheet of attorney time incurred by Plaintiff, by date, in
23 connection with the First Appeal was attached as Exhibit F to the Kyle Attorney Fee
24 Declaration.

25
26 7. Based on my review of the attorney time spreadsheet, I have confirmed that
27 Plaintiff incurred a total of only 4.1 hours of attorney time in connection with the First Appeal
28 **prior to** the date of Defendant Asimos’ Chapter 7 Discharge on May 19, 2014 (the “Discharge

1 Date"). Specifically, only two (2) time entries were made in connection with the First Appeal
2 prior to the Discharge Date: (1) **0.80 hours** billed by me on May 6, 2014 and (2) **3.3 hours**
3 billed by me on May 15, 2014. The remainder of the billable time in connection with the First
4 Appeal was incurred after the Discharge Date.

5
6 8. At the hourly rate of \$375.00, as set forth in ¶¶ 21 - 22 of the Kyle Attorney Fee
7 Declaration, a total of \$1,537.50 was incurred in connection with the First Appeal **prior to** the
8 Discharge Date. The remaining **\$73,374.00** of the First Appeal Attorney Fee Award was
9 incurred **after the Discharge Date**.

10 I declare under penalty of perjury under the laws of the United States of America that
11 the foregoing is true and correct.

12 Executed on November 22, 2020 at San Francisco California.

13
14 
15 _____
16 STEPHAN E. KYLE